

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED THIRTEENTH LEGISLATIVE DAY
MONDAY, MAY 4, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Acting Senator Thorson, absent and formally excused by the Chair; and Senators Brackett, Hill, and Stegner, absent and excused.

The President announced that the Oath of Office had been administered previously to Acting Senators John Broadsword, Brenda Heinrich, and Willis Welker.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of May 1, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

May 1, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1227](#) was delivered to the Office of the Governor at 9:30 a.m., May 1, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

May 1, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1112](#), as amended, as amended in the House, [S 1166](#), as amended, [S 1216](#), and [S 1232](#), as amended, were delivered to the Office of the Governor at 12:15 p.m., May 1, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

May 1, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bill, to wit:

[S 1227](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

Senator Stegner was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1246

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ACTS OR SECTIONS OF ACTS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; PROVIDING CLARIFICATION FOR EFFECTIVE DATES FOR CERTAIN ACTS OR SECTIONS OF ACTS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; AND DECLARING AN EMERGENCY.

[S 1246](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 369](#) and [H 371](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 335](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [S 1147](#) and [H 372](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1147

AMENDMENT TO SECTION 3

On page 2 of the printed bill, delete lines 23 through 25 and insert: "The department shall work with all interested parties and the public in promulgating rules regarding the solicitation and award of design-build contracts. The department shall not enter into any"; in line 27, delete "(a)"; and delete lines 31 through 34.

SENATE AMENDMENT TO H 372

AMENDMENT TO THE BILL

On page 10 of the printed bill, delete lines 5 through 10, and insert: "for the cost of needed equipment and computer software which are directly related to compliance with this act. Such moneys shall be expended from the Consolidated Elections Fund which is created in the State Treasury. Each county may apply to the Secretary of State for reimbursement of its actual costs incurred in acquiring equipment and computer software with the maximum amount reimbursed being"; in line 11, delete "count" and insert: "county".

On page 86, in line 24, delete "five (65)" and insert: "two (62)".

CORRECTION TO TITLE

On page 8, in line 41, delete "FIVE" and insert: "TWO".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), and [S 1087](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1147](#), as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 372](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 371](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 371](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes

(Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 371](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 335](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 335](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Sagness arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 335](#) passed, title was approved, and the bill ordered returned to the House.

[H 330](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 330](#) passed, title was approved, and the bill ordered returned to the House.

[H 331](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 331](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [S 1225](#), [S 1228](#), [S 1233](#), [S 1235](#), [S 1236](#), [S 1239](#), and [S 1245](#) retained their place on the Third Reading Calendar for one legislative day.

[H 332](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 332](#) passed, title was approved, and the bill ordered returned to the House.

[H 333](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 333](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 341](#) retained its place on the Third Reading Calendar for one legislative day.

[H 342](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 342](#) passed, title was approved, and the bill ordered returned to the House.

[H 343](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS—None.

Absent and excused—Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 343](#) passed, title was approved, and the bill ordered returned to the House.

[H 344](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld

(Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS–None.

Absent and excused–Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 344](#) passed, title was approved, and the bill ordered returned to the House.

[H 345](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS–None.

Absent and excused–Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 345](#) passed, title was approved, and the bill ordered returned to the House.

[H 346](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS–None.

Absent and excused–Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 346](#) passed, title was approved, and the bill ordered returned to the House.

[H 347](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes

(Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk. Total - 32.

NAYS–None.

Absent and excused–Brackett, Thorson (Stennett), Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 347](#) passed, title was approved, and the bill ordered returned to the House.

Senator Brackett was recorded present at this order of business.

[H 348](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [H 348](#) passed, title was approved, and the bill ordered returned to the House.

[H 349](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [H 349](#) passed, title was approved, and the bill ordered returned to the House.

[H 350](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [H 350](#) passed, title was approved, and the bill ordered returned to the House.

[H 351](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [H 351](#) passed, title was approved, and the bill ordered returned to the House.

[H 352](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [H 352](#) passed, title was approved, and the bill ordered returned to the House.

[H 353](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [H 353](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:46 p.m. until the hour of 10 a.m., Tuesday, May 5, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary